

REMARKS

Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

By the foregoing amendment, claims 22, 34, 35, and 36 have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 23, 24, 25, 32, 33, and 37 have been amended to be written in independent form including all of the elements of the base claim from which they depended. Claims 23, 24, and 37 have also been amended such that the various methods utilize the active ingredient that was included in the method of claim 25. Support for such claims may be found throughout the specification. Thus, no new matter has been added. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any of the canceled subject matter.

Claims 22, 23, 24, and 37 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Reszka et al. (WO 99/67809). This rejection is respectfully traversed.

To expedite prosecution in the present application, and not to acquiesce to the Examiner's rejection, claim 22 has been canceled, without prejudice or disclaimer, to the subject matter recited therein and claims 23, 24, and 27 have been amended to include the active ingredient that was included in the method of claim 25.

For prior art to be anticipatory, every element of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claims. See, e.g., *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ2d 81, 90 (Fed. Cir. 1986). The Reszka et al. publication fails to teach administration of the active

ingredient as set forth in claims 23, 24, and 27 as currently amended. The Reszka et al. publication thus cannot anticipate applicants' claims. As such, the Examiner is respectfully requested to withdraw this rejection.

Claims 25-36 have been objected to as being dependent upon a rejected base claim, but the Examiner has indicated that such claims would be allowable if rewritten in independent form. As discussed *supra*, claims 25, 32, and 33 have been amended to be written in independent form including all of the elements of the base claim from which they depended. Claims 26-30 are dependent, either directly or indirectly, from now independent claim 25 and claim 31 has been amended so as to depend from now independent claim 33. As such, pending claims 25-33 should be indicated as being allowed.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited

In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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